



**U.S. ELECTION ASSISTANCE COMMISSION**  
**1225 New York Ave. NW – Suite 1100**  
**Washington, DC 20005**

## **PROPOSED INFORMATION QUALITY GUIDELINES**

### **I. OVERVIEW**

EAC is an independent, bipartisan agency created by the Help America Vote Act (HAVA). It assists state and local election administrators in improving the administration of elections for federal office by (1) disbursing federal funds to states to implement HAVA requirements; (2) auditing the use of HAVA funds; (3) adopting the Voluntary Voting System Guidelines (VVSG); and (4) serving as a national clearinghouse and resource of information regarding election administration. EAC also accredits voting system testing laboratories and certifies, decertifies and recertifies voting systems.

This document contains the EAC's policy directives and required procedures to implement the OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452 ("OMB Guidelines"). The OMB Guidelines implement section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106-554).

The OMB Guidelines apply to the sharing of, and access to, information disseminated by Federal agencies. They also require that each Federal agency: (1) issue pre-dissemination review guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency; (2) establish correction procedures allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the OMB Guidelines; and (3) report annually to OMB the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency and how such complaints were handled by the agency.

### **II. DEFINITIONS**

As used in this document:

**Affected person** means anyone who may use, benefit from, or be harmed by the disseminated information.

**Capable of being substantially reproduced** means that independent reanalysis of the original or supporting data using the same methods would generate similar analytical results, subject to an acceptable degree of imprecision.

**Commission** means the U.S. Election Assistance Commission.

**Dissemination** means an agency initiated or sponsored distribution of information to the public. (See 5 CFR 1320.3(d), definition of “Conduct or Sponsor”). Dissemination does not include distribution limited to government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar law. This definition also does not include distribution limited to correspondence with individuals or persons, archival records, public filings, subpoenas, adjudicative processes, or press releases, fact sheets, press conferences, or similar communications in any medium that announce or support the announcement or give public notice of information EAC has disseminated elsewhere.

**Government information** means information created, collected, processed, disseminated, or disposed of by or for the Federal government.

**Influential information** means information that the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or important private sector decisions.

**Information** means any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms. This definition includes information that an agency disseminates from a web page, but does not include the provision of hyperlinks to information that others disseminate. This definition does not include opinions, where the agency's presentation makes it clear that what is being offered is someone's opinion rather than fact or the agency's views.

**Information dissemination product** means any book, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, an agency disseminates to the public. This definition includes, but is not limited to, any electronic document, CD-ROM, DVD, or web page.

**Integrity** means protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.

**Objectivity** includes two distinct elements:

1. "Objectivity" includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. This involves whether or not the information is presented within the proper context. Sometimes, in disseminating certain types of information to the public, other information must also be disseminated in order to ensure an accurate, clear, complete, and unbiased presentation. Also, the agency identifies the sources of the disseminated information (to the extent possible, consistent with confidentiality protections) and, in a scientific or statistical context, the supporting data and models, so that the public can assess for itself whether there may be some reason to question the objectivity of the sources. Where appropriate, supporting data should have

full, accurate, transparent documentation, and error sources affecting data quality should be identified and disclosed to users.

2. In addition, "objectivity" involves a focus on ensuring accurate, reliable, and unbiased information. In a scientific or statistical context, the original or supporting data must be generated, and the analytical results must be developed, using sound statistical and research methods.

a. If the results have been subject to formal, independent, external peer review, the information can generally be considered of acceptable objectivity.

b. In those situations involving influential scientific or statistical information, the results must be capable of being substantially reproduced, if the original or supporting data are independently analyzed using the same models.

Reproducibility does not mean that the original or supporting data have to be capable of being replicated through new experiments, samples, or tests.

c. Making the data and models publicly available will assist in determining whether analytical results are capable of being substantially reproduced. However, these guidelines do not alter the otherwise applicable standards and procedures for determining when and how information is disclosed. Thus, the objectivity standard does not override other compelling interests, such as privacy, trade secret, and other confidentiality protections.

**Quality** is an encompassing term comprising utility, objectivity, and integrity. Therefore, the OMB Guidelines sometimes refer to these four statutory terms, collectively, as "quality."

**Utility** refers to the usefulness of the information to its intended users, including the public. In assessing the usefulness of information that the agency disseminates to the public, the agency needs to consider the uses of the information not only from the perspective of the agency but also from the perspective of the public. As a result, when reproducibility and transparency of information are relevant for assessing the information's usefulness from the public's perspective, the agency must take care to ensure that reproducibility and transparency have been addressed in its review of the information.

### **III. POLICY**

The Commission maintains high standards of quality in the production of information disseminated outside the agency. It is the Commission's policy to ensure and maximize the quality, objectivity, utility, and integrity of the information that it disseminates to the public. The Commission will take appropriate steps to incorporate information quality criteria into its information dissemination practices, and will ensure the quality of information the agency disseminates in accordance with the standards set forth in these guidelines. The Commission is committed to integrating the principle of information

quality into every step of its development of information, including creation, collection, maintenance, and dissemination. The Commission will comply with all then-existing legal and policy rules, regulations, directives, and guidance at every step of the process.

In accordance with OMB's guidelines, the level of quality assurance appropriate for information will vary according to the information's relative importance and the costs and benefits of requiring additional assurances for the particular information. The following guidelines describe the Commission's quality standards and formalize a correction mechanism.

#### **(A) Basic Principles**

**(1) *Quality*:** The Commission takes pride in the quality of its information and is committed to disseminating information that meets the Commission's rigorous standards for objectivity, integrity and utility. Before the Commission disseminates any information to the public, all aspects are thoroughly reviewed by staff and appropriate levels of management. The Commission's current internal review and approval policies and procedures ensure, to the Commission's best ability, that the information and data disseminated by the Commission are accurate and timely, appropriate for external consumption, uncompromised and useful to the public.

**(2) *Integrity*:** The Commission's information security program encompasses those measures necessary to protect the Commission's information resources. These measures include providing, for each project: (i) the appropriate technical, physical, administrative, environmental and telecommunications safeguards; and (ii) continuity of operations through contingency or disaster recovery plans. The Commission's protective measures cover the following information resources: data, applications, software, hardware, physical facilities and telecommunications. The Commission's information security program assures that each automated information system has a level of security that is commensurate with the risk and magnitude of the harm that could result from the loss, misuse, unauthorized disclosure or improper modification of the information contained in the system.

**(3) *Utility*:** The Commission is committed to maximizing the utility of the information it disseminates to the public. To this end, information and the appropriate form and vehicle for its dissemination are evaluated and reviewed by the relevant subject matter experts on a given project, along with appropriate levels of management within the Commission, and in some cases, the EAC's advisory committees before it is disseminated to ensure its usefulness to the intended audience. This includes ensuring that it is organized and written in a manner that facilitates its understanding and use by the intended audience. The information also is reviewed to ensure its timeliness and continuing relevance for the intended audience.

**(4) *Objectivity*:** The Commission is committed to disseminating information that is accurate, reliable, and unbiased both in its content and in its presentation. The relevant subject matter experts and appropriate levels of management review information before it

is disseminated to, among other things, ensure that it is accurate, reliable and unbiased. As appropriate, this review includes an assessment of the collection, generation, and analysis of relevant information and data. The review also considers the information's presentation to ensure that it is put in the proper context and presented in a clear, complete and unbiased manner. Where appropriate, the Commission also identifies the sources of supporting data so that the public can assess for itself the objectivity of those sources.

**(5) *Influential Information:*** Any information deemed to be "influential" as defined in these guidelines will be reviewed by subject matter experts within the Commission and appropriate levels of management to ensure adequate disclosure about underlying data and methods of analysis to facilitate reproducibility of the information by qualified third parties.

## **B. Responsibilities**

**(1) *Chief Information Officer:*** The Chief Information Officer (CIO) is responsible for assuring that all disseminated information meets the basic quality standard. This responsibility may be delegated to the program directors.

**(2) *Program Directors:*** The program directors are responsible for ensuring that the pre-dissemination review process is performed and documented at a level appropriate for the type of information disseminated.

**(3) *Originating Offices:*** Originating offices are responsible for initiating and/or utilizing peer reviews, working groups, or advisory committees to ensure that disseminated information is objective, unbiased, and accurate in both presentation and substance.

## **C. Procedures**

### **(1) *Pre-Dissemination Review***

(a) Election Administration and Voting Survey (including National Voter Registration Act and Uniformed and Overseas Citizens Absentee Voting Act studies)

Routine statistical data such as those that appear in these reports do not undergo peer review. Since the information contained in these reports comes directly from the states and territories, EAC Research Division relies on a data verification process with the states wherein the EAC solicits information from the states and seeks confirmation from them that the data is accurate before it is reported.

(b) Other EAC Research Department Studies

EAC Research Department uses its Board of Advisors and/or Standards Board, where appropriate, for the review of information products. These Boards meet in person and via a virtual meeting room, which allows all Board members – whose membership is set by

statute and includes election officials and stakeholders from various other communities – an opportunity to offer comment on Research Division studies. Comments are collected and used to make changes where applicable. For studies that require the review of technical experts, EAC Research Division may choose to convene a peer review panel of experts to offer comment.

#### (c) Election Management Guidelines and Quick Starts

Each chapter to the Election Management Guidelines (EMG) is reviewed three times before being presented to the Commission for consideration of adoption. First, the draft chapter is reviewed by the participants in the working group used at the beginning of the process. The working group is composed of no more than nine individuals with expertise in election administration. Second, the draft chapter is reviewed by EAC staff. Generally, all employees in the Research Division provide comments on the chapter. Third, each chapter is reviewed by the EAC's Board of Advisors (37 members) and the EAC's Standards Board (110 members), usually via the EAC's Virtual Meeting Room. All comments are incorporated, as appropriate, and the chapters are recommended to the Commission for consideration of adoption.

The Quick Start Management Guides of approved EMGs are reviewed by EAC staff before dissemination.

#### (d) Foreign Language Glossaries

To date, the EAC has produced six (6) *Glossaries of Key Election Terminology* in Spanish, Chinese, Japanese, Korean, Vietnamese, and Korean. For all six (6) of these glossaries, the contractor was required to utilize stakeholder review groups composed of individuals with an expertise in the target languages and experience in the field of elections to ensure the translations were both culturally and linguistically accurate, as well as appropriate.

#### (e) Other Information Disseminated by EAC

From time to time, the Commission prepares information that displays or relies on statistics and other data gathered by EAC staff. Sometimes the Commission staff gathers its own data and stores the data in databases that it controls and maintains. The staff may also rely on data gathered from independent third parties and vendors who supply data that the staff, and when appropriate, the Commission, reviews, analyzes and disseminates. Both internally generated and externally obtained data are subjected to internal review and are reviewed by the appropriate levels of management in the originating office responsible for preparing the reports. When appropriate, the data or the reports are also submitted to the Commission or peer review groups, working groups, or advisory committees for review or approval.

#### (f) Information Outside the Guidelines' Scope

Based on OMB's definitions of "dissemination" and "information," several types of information disseminated by the Commission and its staff do not formally fall under these guidelines. However, it should be emphasized that the Commission and its staff apply rigorous standards to all information disseminated, whether or not it formally falls under these guidelines.

(g) Excluded categories include, but are not limited to:

(i) Distributions intended to be limited to Commission employees or contractors, such as internal operating procedures, training manuals and requests for proposals.

(ii) Government information intended to be limited distribution or sharing on an Intra- or inter-agency basis, such as the Commission's Annual Report and the Commission's annual budget.

(iii) Opinions of individual Commissioners and staff members, where the author's presentation states that the information is that person's opinion rather than fact or the Commission's views. These include articles, speeches, panel presentations, special studies and academic papers authored by staff members that state that the views expressed in their work are their own views and do not necessarily reflect the Commission's views.

(iv) Responses to requests for agency records under the Freedom of Information Act, the Government in the Sunshine Act, the Privacy Act, the Federal Advisory Committee Act or other similar statutes and regulations.

(v) Correspondence with individual entities or persons, including staff letters and Advisory Opinions.

(vi) Fact sheets, press conferences, or similar communications in any medium that announce or support the announcement or give public notice of information that EAC has disseminated elsewhere.

(vii) Information from third parties, for which the Commission is merely a conduit, such as voting system test plans or other similar information.

(viii) Dissemination of factual information or data where no analysis is performed.

(ix) Any inadvertent or unauthorized disclosure of information intended only for inter-agency communications.

(x) Testimony and other submissions to Congress containing information EAC has disseminated elsewhere.

(xi) Procedural, operational, policy, and internal manuals and memoranda prepared for the management and operation of EAC not primarily intended for public dissemination.

(xii) Information disseminated by EAC employees, contractors, or grantees that is not put forth as an EAC information product (e.g., materials presented by an individual at a professional meeting).

(xiii) Information disseminated by others that is accessible through hyperlinks on EAC's website.

For information not covered by this document, EAC is simply providing the public with access to the information.

## ***(2) Reproducibility of Results***

The OMB Guidelines distinguish between "original and supporting data" and "analytic results." Originating offices must ensure the reproducibility of original and supporting data according to commonly accepted scientific, financial, or statistical standards. Originating departments must ensure that analytical results receive especially rigorous reviews when reproducibility is not achievable through public access because of confidentiality protection or compelling interests.

EAC's commitment to quality and professional standards of practice includes:

- (a) Use of modern statistical theory and practice in all technical work
- (b) Development of strong staff expertise in the disciplines relevant to its mission
- (c) Implementation of ongoing quality assurance tasks to improve data validity and reliability and to improve the processes of compiling, editing, and analyzing data
- (d) Development of a strong and continuing relationship with appropriate professional organizations in relevant subject-matter areas.

To carry out its mission, EAC assumes responsibility for:

- (a) Determining sources of data
- (b) Establishing measurement methods
- (c) Selecting methods of data collection and processing that provide useful information while minimizing respondent burden
- (d) Employing appropriate analytical methods
- (c) Ensuring the public availability of data and supporting documentation

## **IV. REQUESTS FOR CORRECTION**



The Commission has always stood ready to assist affected members of the public in obtaining appropriate correction of information disseminated by the Commission. Accordingly, the Commission Information Quality Guidelines announced by this notice formalize an administrative mechanism whereby affected members of the public may seek and obtain appropriate correction of information disseminated by the Commission if the information does not comply with OMB or EAC Guidelines.

The correction process is designed to provide a mechanism for affected persons to seek correction of information disseminated by the Commission that does not comply with these guidelines. This process does not necessarily guarantee a correction in every instance. Rather, the decision of whether a correction is appropriate, and what degree of correction is appropriate, will be determined by the nature, completeness and timeliness of the information involved and such factors as the significance of the correction on the users of the information and the magnitude of the correction. Responses may be in the form of personal contacts by letter or telephone, form letters, press releases or mass mailings that correct widely disseminated errors or address a frequently raised request.

With respect to proposed rules, the thorough consideration required by the Administrative Procedures Act process provides an adequate complaint and appeal process. In addition, by adopted policy, the EAC submits many of its proposed actions for public notice and comment. A separate complaint and appeal process for information that is already subject to such a public comment process would be duplicative, burdensome, disruptive to the orderly conduct of the action and unfair to other public commenters who submitted comments during the applicable comment period. Accordingly, the notice and comment process is the exclusive means by which an affected person may address the quality of information in a proposed rulemaking or other proposed action submitted for public notice and comment pursuant to EAC's Notice and Comment Policy (available at [www.eac.gov](http://www.eac.gov)).

In most instances, matters will be resolved at the appropriate office level within the Commission. Novel or highly complex matters may be sent to the Commission for review, at the staff's discretion. If the matter is resolved at the staff level, the staff will use reasonable efforts to send its response to the requestor within 30 days of filing. If the matter's resolution is particularly complicated or would benefit from consultation with other Commission offices or other agencies, the staff will use reasonable efforts to send a response to the requestor within 45 days of filing. The Executive Director or CIO will be notified of all such resolution.

After it has completed its review of a request for correction, the Commission will determine whether a correction is warranted, and, if so, what corrective action it will take. Any corrective action will be determined by the nature and timeliness of the information involved and such factors as the significance of the error on the use of the information and the magnitude of the error. The Commission is not required to change, or in any way alter, the content or status of information simply based on the receipt of a request for correction. It is the EAC's policy that the Commission need not respond substantively to requests for correction that it deems frivolous or repetitive. The Commission also does

not have to respond substantively to requests that concern information not covered by the Guidelines or from a person whom the information does not affect.

## **(A) Information Correction Request**

### **(1) *Format***

To be treated as an information correction request under these guidelines, any affected person seeking correction of Commission-disseminated information should submit a request in writing (on paper or by email) including the following:

- (a) A description of the facts or data the requestor seeks to have corrected;
- (b) An explanation of how the requestor is an affected person with regard to those facts or data;
- (c) The factual basis for believing the facts or data to be corrected are inconsistent with Commission or OMB Guidelines;
- (d) A proposed resolution, including the factual basis for believing the facts or data in the requestor's proposed resolution are correct;
- (e) The consequences of not implementing the proposed resolution; and
- (f) The requestor's contact information, including name, address, daytime telephone number and email address.

Requests should be marked "Information Correction Request" on the first line of the envelope directly above the mailing address and on the correspondence itself, in the case of letters, or in the "Subject" line, in the case of email correspondence. Emails should be sent to the following address: [havainfo@eac.gov](mailto:havainfo@eac.gov). Letters should be addressed to:

U.S. Election Assistance Commission  
Chief Information Officer  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005

### **(2) *Processing Information Correction Requests***

The Chief Information Officer will route the request to the head of the appropriate department or office within the Commission who will ensure that: (a) the request is reviewed; (b) any appropriate corrective action is taken; and (c) a response to the request is made. The Commission will respond to the requestor in writing. If the request requires more than 30 calendar days to resolve, the Commission will inform the complainant that more time is required and indicate the reason for the delay and an estimated decision date.

## **(B) Requests for Staff Reconsideration**

### **(1) *Format***

If the requestor does not agree with the response, the requestor may request reconsideration of the staff's original response. Such a reconsideration request should be postmarked (or, in the case of email, date-stamped) within 30 days of the date of the initial response. The request for staff reconsideration should include a copy of the original request, a copy of the original response and the following:

- (a) A statement describing why the response to the original complaint did not comply with the information quality guidelines or why the requestor disagrees with the original response; and
- (b) The requestor's contact information, including name, address, daytime telephone number and email address.

Requests for staff reconsideration should be marked "Request for Reconsideration of Information Correction" on the first line of the envelope directly above the mailing address and on the correspondence itself, in the case of letters, or in the "Subject" line, in the case of email correspondence. Emails should be sent to the following address: [havainfo@eac.gov](mailto:havainfo@eac.gov). Letters should be addressed to:

United States Election Assistance Commission  
Chief Information Officer  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005

### **(2) *Processing Staff Reconsideration Requests***

The Chief Information Officer will route the reconsideration request to the appropriate staff. The designated official may seek the advice and counsel of other appropriate staff in rendering the decision. The designated official will review the original response, determine if additional action is appropriate, and use reasonable efforts to send the staff's response to the reconsideration request within 30 days of receipt of the filing of the request for reconsideration. If the request requires more than 30 calendar days to resolve, the Commission will inform the complainant that more time is required, indicate the reason for the delay, and provide an estimated decision date.

## **V. REPORTING PROCEDURES**

The Commission will send an annual report to OMB describing the number and type of complaints received about compliance with OMB Guidelines, and how such complaints were resolved.

## **VI. CONCLUSION**

These agency guidelines are not intended to create any right or benefit, substantive or procedural, enforceable in any court by a party against the Commission, the federal government, or any individual, beyond any that may be established by section 515 of Public Law 106-554 or by implementing OMB guidelines. In particular, these agency guidelines do not impose any additional requirements on the Commission during adjudicative, rulemaking or other proceedings initiated under the Commission's statutory authority, and do not provide parties to such proceedings any additional rights of challenge or appeal.

## **VII. PRIVACY ACT STATEMENT**

The Commission is authorized to collect the information provided by a requestor for information correction or for staff reconsideration. The information is needed to process each request and to allow the Commission to reply appropriately. The requestor is not required to furnish the information, but failure to do so may prevent the request from being processed. The principal use is to process and respond to the request, but the Commission may disclose information to a Congressional office in response to an inquiry made on the requestor's behalf, to the U.S. Department of Justice, a court or other tribunal when the information is relevant and necessary to litigation, or to a contractor or another federal agency to help accomplish a function related to these guidelines.